THE HON'BLE MR JUSTICE B. PRAKASH RAO

AND

THE HON'BLE MR JUSTICE P. LAKSHMANA REDDY

WRIT APPEAL No.72 of 2006

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JUDGMENT: (PER THE HONOURABLE BPR,J)

Heard Sri G. Vidyasagar, learned counsel appearing for the appellant and Sri R. Manmadha Reddy, learned Standing Counsel appearing on behalf of the Corporation and at their request the main writ appeal is taken up for disposal.

The appellant herein, who is the un-successful writ petitioner, filed this appeal against the order, dated 30.12.2005, passed in WP.No.27926 of 2005, wherein the relief sought for considering his case under the provisions of the Disabilities (Equal Opportunities, Protection of rights and full participation) Act, 1995 (for short "the Act"), was rejected.

The main case of the writ petitioner is that even though he sought to be retired on the ground of disability, having alternative employment as provided under the Act, has not been provided nor was his case considered on that perspective. Therefore, he filed WP.No.27926 of 2005.

The learned Single Judge dismissed the writ petition on the ground that the petitioner has alternative remedy of appeal before the Divisional Manager.

During the course of the arguments, the learned counsel appearing for the appellant submitted that subsequent to the orders passed on 28.09.2005, retiring the appellant from service on the ground of disability, he made a representation, dated

05.10.2005, to the 1st respondent and the same is still pending without passing any orders.

Having heard the counsel and especially having regard to the fact that the retirement is purely being on the ground of disability, necessarily the matter requires to be considered under the provision of the Act. Admittedly, in the impugned order the same has not been given any attention, or to the representation filed by the appellant/petitioner.

In view of the same, instead of directing the appellant/petitioner to approach the authorities once again, it would be more appropriate if the 1st respondent considers the representation filed by the appellant and pass orders in accordance with law.

The writ appeal is accordingly, disposed of directing the 1st respondent to dispose of the representation, dated 05.10.2005, filed by the appellant for considering his case for providing alternative employment under the provisions of the Act and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

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B. PRAKASH RAO, J

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P. LAKSHMANA REDDY, J

Date: 27.01.2006

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